

**Procedure 2020-PR(1): District Civil Rights and Sexual Harassment Policy - Harassment Grievance Procedure**

Original Adopted Date: August 20th 2025

Status: Approved

**Students** – (Left Blank Until Accreditation)

**Employees** - Employees who experience harassment at work (by a supervisor, co-employee, student, or visitor) are urged to report such conduct to the direct attention of their supervisor or other appropriate District administrator. If the complaint involves the employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with their immediate supervisor, the employee may go directly to the CEO. If the complaint is against the CEO, the employee may go directly to the Santa Cruz County Provisional Community College District ((SCCPCCD) Governing Board.

**GENERAL INFORMATION**

- Complaints by students or employees will be investigated according to procedures established by the District administration or Title IX Coordinator/Program as appropriate.
- All complaints will be investigated in a prompt, thorough, and impartial manner.
- Where the investigation confirms the allegations, appropriate response action will be taken by the SCCPCCD.

Complaints to Outside Agencies

In addition to using the District's internal procedures, members of the Provisional District also have the right to file claims of Discrimination, Harassment, and Retaliation with the following state and federal agencies (please contact the respective agencies for applicable filing requirements and timeframes):

United States Department of Education  
Office for Civil Rights (OCR)  
1244 Speer Blvd., Suite 310  
Denver, Colorado 80204-3582  
Phone: (303) 844-5695  
Fax: (303) 844-4303  
Email: ocr.denver@ed.gov  
The Office of the Arizona Attorney General  
Civil Rights Division (ACRD)  
402 W. Congress Street, Suite S215  
Tucson, Arizona 86701-1367  
Phone: (520) 628-6500  
TDD: (520) 628-6872

Federal Timely Warning Obligations

Pursuant to the Clery Act, the District may be required to issue "timely warnings" upon receipt of reports of certain types of Discrimination or Harassment that pose or may pose a serious or continued threat to

the overall Provisional District (e.g., Sexual Assault and Stalking). If timely warnings are required, the District will ensure that the names and other personally identifying information of the persons reporting the Discrimination and Harassment in question are not disclosed.

#### Good-Faith Mistakes vs. False Allegations

- a. The District understands that genuine mistakes may occur, and individuals' perceptions may reasonably differ, during the course of proceedings undertaken pursuant to this POLICY. Persons who make allegations or provide information in good faith that is later found to be erroneous or that could not be proven by a Preponderance of the Evidence will not be subject to disciplinary or other adverse action by the District.
- b. Making Knowingly false, Malicious, or Frivolous allegations of Discrimination or Harassment pursuant to this POLICY is a serious offense and may result in separate disciplinary proceedings pursuant to the Employee Handbook or Student Code of Conduct.
- c. Witnesses and parties who Knowingly provide false or materially misleading evidence to Investigators or decision-makers, or who refuse to participate or cooperate when required to do so (i.e., absent a Legally Protected Privilege, which includes Title IX Sexual Harassment cases), during any District proceedings undertaken in accordance with this POLICY may be subject to discipline pursuant to the Employee Handbook, Student Code of Conduct, or other applicable District policies and procedures.

#### Amnesty for Lesser Collateral Misconduct

- a. In the interest of encouraging the Provisional District community to report and participate fully in investigation into and resolution of incidents of alleged Discrimination and Harassment, the District generally refrains from pursuing disciplinary action against parties and witnesses for lesser misconduct in which they may have engaged collateral to or during the Discriminatory or Harassing incidents in question (e.g., alcohol consumption).
- b. This general policy does not apply to more serious collateral misconduct in which the parties may have engaged (e.g., physical violence) or to conduct that is unrelated to the specific Discrimination or Harassment allegations being investigated.
- c. The District may still require parties and witnesses determined to have engaged in lesser collateral misconduct to participate in non-punitive educational activities, even if the District refrains from pursuing disciplinary action.

#### Counter-Complaints

- a. The District generally permits the submission of Counter Complaints of Discrimination or Harassment, provided they are made in good faith and not for the purpose of Retaliation or to cause unnecessary disruption or delay.

- b. The District may conduct a preliminary investigation (e.g., through the Office of Dispute Resolution (“ODR”)) to assess if there is a sufficient factual basis to believe that a Counter-Complaint is made in good faith and not for a prohibited reason.
- c. Counter-Complaints determined to be Knowingly false, Malicious, or Frivolous, or brought for another prohibited reason will be dismissed, and Respondents submitting them may be referred for possible separate disciplinary proceedings.
- d. Counter-Complaints determined to be made in good faith will generally be investigated and resolved at the same time and in the course of the same proceedings as the associated original Complaints, unless the District, in its sole discretion, determines that the investigation and/or resolution of a Counter-Complaint should be 1) conducted separately, and/or 2) delayed until after the resolution of the original Complaint.
- e. Counter-Complaints alleging Sexual Harassment or other forms of sex- or gender-based Discrimination or Harassment must be referred to and evaluated by the Title IX Coordinator even if the allegations are primarily about another form of Discrimination or Harassment. Allegations satisfying the definition of Title IX Sexual Harassment may only be investigated and resolved through the District’s Title IX Sexual Harassment process